

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Jonathan W. Nyce

: Art Unit: 1635

Serial No.:

09/093,972

: Examiner: Dr. Janet Epps

Filed:

June 9, 1998

: Appl. Ref. No.: EPI-00672

For:

**COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH
BRONCHOCONSTRICITION, ALLERGY(IES) & INFLAMMATION**

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents
Washington D. C. 20231

Sir\Madam:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the examiner is requested to make of record the enclosed European Supplementary Search Report of January 17, 2002 and the references cited therein, which are listed on the PTO 1449 submitted herewith. A copy of each of the listed references is also enclosed. An Information Disclosure Statement has previously been submitted and considered by the examiner in this case.

Although the information submitted herewith may be "material" to the examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention. Moreover, in accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

Less than three months have elapsed since the date of issuance of the Search Report in the corresponding European patent application No. 00919668. No fee is believed due for the submission of the IDS, however, the Assistant Commissioner for Patents is hereby authorized to charge the necessary fee to PTO Deposit Account No. **50-1728**.

Respectfully submitted.

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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents Washington, D.C. 20231, on March 6, 2002, by Katsunori Ebata.

Signature



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|---|------------------|------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY) | ATTY. DOCKET NO. | SERIAL NO. |
| | EPI-00672 | 09/093,972 |
| | APPLICANT | |
| | Jonathan W. Nyce | |
| FILING DATE | GROUP | |
| June 9, 1998 | 1635 | |

| FOREIGN PATENT DOCUMENTS | | | | | | | | | | | |
|--------------------------|--|-----------------|----|---|---|------|---------|-------|----------|-------------|------------|
| EXAMINER INITIAL | | DOCUMENT NUMBER | | | | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
| | | YES | NO | | | | | | | | |
| | | 9 | 6 | 4 | 0 | 1 | 6 | 2 | 12/19/96 | WO | A61K 31/70 |
| | | 9 | 3 | 1 | 0 | 8 | 2 | 0 | 06/10/93 | WO | A61K 48/00 |
| | | 9 | 8 | 1 | 1 | 2 | 1 | 1 | 03/19/98 | WO | C12N 15/11 |
| | | 9 | 4 | 0 | 2 | 6 | 0 | 5 | 02/03/94 | WO | C12N 15/12 |
| | | 9 | 8 | 2 | 3 | 2 | 9 | 4 | 06/04/98 | WO | A61K 48/00 |
| | | 9 | 6 | 4 | 0 | 2 | 6 | 6 | 12/19/96 | WO | A61K 48/00 |
| | | 9 | 3 | 1 | 2 | 7 | 5 | 6 | 07/08/93 | WO | A61K |
| | | 9 | 9 | 6 | 0 | 1 | 6 | 6 | 11/25/99 | WO | C12Q 1/68 |
| | | 0 | 0 | 0 | 9 | 5 | 2 | 5 | 02/24/00 | WO | C07H |

| EXAMINER INITIAL | OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.) |
|---------------------|---|
| | <p>Rahman, M. Sayeedur, et al., "Nebularine (9-2'-deoxy-beta-D-ribofuranosylpurine) has the template characteristics of adenosine in vivo and in vitro", Mutation Research, vol. 377, no. 2, 1997, pages 263-268</p> <p>Loakes, D. et al., "5-Nitroindole as an universal base analogue", Nucleic Acids Research, vol. 22, no. 20, 1994, pages 4039-4043</p> |
| | <p>Ohtsuka, E. et al., "An alternative approach to deoxyoligonucleotides as hybridization probes by insertion of deoxyinosine at ambiguous codon positions", Journal of Biological Chemistry, vol. 260, no. 5, 10 March 1985 (1985-03-10), pages 2605-2608</p> <p>Nichols, R. et al., "A universal nucleoside for use at ambiguous sites in DNA primers", NATURE, vol. 369, no. 6480, 9 June 1994 (1994-06-09), pages 492-493</p> |
| | <p>Metzger W. James et al., "Oligonucleotide therapy of allergic asthma", Journal of Allergy and Clinical Immunology, vol. 104, no. 2 part 1, August 1999 (1999-08), pages 260-266</p> |
| | |

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***EXAMINER:** INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.